

REMARKS

The Examiner requires restriction, under PCT Rule 13.1, of the present application to one of the following species of the invention:

Species I: shown in Figure 4, corresponding to claim 8;

Species II: shown in Figure 5, corresponding to claim 12;

Species III: shown in Figure 6, corresponding to claims 9 and 10;

Species IV: shown in Figure 7, corresponding to claims 6 and 11;

Species V: shown in Figure 8A, corresponding to claim 2; and

Species VI: shown in Figure 8B, corresponding to claim 3.

The Examiner admits that claim 1 is a claim generic to all species (Office Action, dated July 12, 2007, at 2, line 23).

The Examiner contends that the species are distinct from each other because they lack unity of invention. The Examiner contends that the species lack unity of invention because, under PCT Rule 13.2, the species lack the same or corresponding “special technical feature,” namely the same driving mechanism (Office Action, dated July 12, 2007, at 3, lines 1-4).

Applicants’ point out that the Examiner’s restriction requirement fails to account for all of the claims. Applicants contend that claims 4, 5 and 14 are also generic claims, and that Species II includes claims 12, 13 and 15 and that Species III includes claims 6, 7 and 11.

In view of the above comments, Applicants elect Species II, claims 12, 13 and 15, for further prosecution on the merits. Claims 1, 4, 5 and 14 are generic. Applicants’ election of species is made with traverse.

Claims have unity of invention when there is a “special technical feature” that is shared by the claims and that provides a contribution over the prior art. PCT Rules 13.1 and 13.2, and MPEP § 1850. In this case, the Examiner contends that the various species have

different driving mechanisms. However, the Examiner has not shown that the “driving mechanism” (i.e., “wherein the drum-shaped tool has...”) recited by independent claim 1 is not the “special technical feature” that provides the contribution over the prior art. See MPEP § 1850. In fact, the Examiner has made no attempt to do so. Consequently, the Examiner has not established lack of unity of invention.

Applicants also point out that claim 1 is the only independent claim presently in the application. In accordance with MPEP § 821.04, when independent claim 1 is allowed then all claims dependent thereon must be rejoined with the application and also allowed.

For all of the above reasons, the Examiner has not demonstrated lack of unity of invention with respect to the claims 1-15, so the Examiner’s restriction/election requirement is untenable and must be withdrawn.

Questions are welcomed by the below-signed attorney for Applicants.

Respectfully submitted,

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